

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO. 5:08-CV-00464-H**

NATIONAL GENETICS INSTITUTE and)	
BAXTER INTERNATIONAL, INC.)	
)	
Plaintiffs,)	
)	
v.)	
)	
TALECRIS BIOTHERAPEUTICS, INC.)	
)	
Defendant.)	

**DEFENDANT TALECRIS BIOTHERAPEUTICS, INC.'S
JULY 1, 2010 STATUS REPORT**

Pursuant to the Court's January 30, 2009 Order, Defendant Talecris Biotherapeutics, Inc. ("Talecris") hereby provides the Court with this Status Report concerning the reexamination of U.S. Patent Nos. 6,566,052 (the "'052 patent"), 6,063,563 (the "'563 patent"), and 5,780,222 (the "'222 patent"), the patents-in-suit in the above-captioned litigation. In connection with this Report, Talecris states as follows:

Talecris filed a request for *ex parte* reexamination of the '052, '563 and '222 patents on November 7, 2008. The U.S. Patent and Trademark Office ("PTO") issued an Order Granting Request for *Ex Parte* Reexamination on December 17, 2008 in each of the three patents-in-suit.

On June 14, 2010, the PTO issued a letter clarifying the degree of consideration given to certain documents filed with the PTO by the patent owner, at least with respect to the '052 patent. The letter stated that "[t]he proceeding remains in the Office of Publications for issuance of the reexamination certificate in due course." (Letter from Brenda Brumback, Examiner (June 16, 2010).) On June 28, 2010, in each of the reexamination proceedings, the

patent owner filed a letter disclosing the PTO's rejection of the 11/374,484 application, which is related to the patents-in-suit. On June 29, 2010, the PTO issued reexamination certificates for the '563 and '222 patents. The reexamination certificate for the '052 patent has not yet issued.

Respectfully submitted this 1st day of July, 2010.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an attorney at law licensed to practice in the State of North Carolina, is an attorney for Defendant Talecris Biotherapeutics, Inc., and is a person of such age and discretion as to be competent to serve process.

That on July 1, 2010 he served copies of the attached **DEFENDANT TALECRIS BIOTHERAPEUTICS, INC.'S JULY 1, 2010 STATUS REPORT** in the manner stated below.

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